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**I. Identification of Persons with Information Relevant to Disputed Facts.**

- |    |  |   |
|----|--|---|
| 1. | Carl E. Oeder<br>3980 Turtlecreek Road<br>Lebanon, Ohio 45036  | Mr. Oeder has information relative to Plaintiff Oeder's operations and the impact of the ordinance on the operations.   |
| 2. | David Oeder<br>3980 Turtlecreek Road<br>Lebanon, Ohio 45036  | Mr. Oeder has information relative to Plaintiff Oeder's operations and the impact of the ordinance on the operations.   |
| 3. | Timothy Browning<br>3980 Turtlecreek Road<br>Lebanon, Ohio 45036   | Mr. Browning has information relative to the impact of the ordinance on his trucking activities and a description of his trucking activities while driving for Plaintiff Oeder. |
| 4. | Accountant for Plaintiff Oeder<br>Will supplement  | The accountant has information relative to the damages that Plaintiff Oeder has sustained as a result of the ordinance.   |
| 5. | James Smith<br>Mayor of the Village of South<br>Lebanon, Ohio<br>99 North High Street<br>South Lebanon, Ohio 45065 | Mr. Smith has information relative to the background and passage of the ordinance and the enforcement of the ordinance.   |
| 6. | John Louallen, Individually,<br>and as Village Administrator<br>99 North High Street<br>South Lebanon, Ohio 45065  | Mr. Louallen has information relative to the background and passage of the ordinance and the enforcement of the ordinance.  |
| 7. | Kevin Hill<br>424 Mary Lane<br>South Lebanon, Ohio 45065   | Mr. Hill has information relative to the facts and circumstances surrounding the ticket that was issued to him for driving a truck through the Village.                         |
| 8. | Jimmy Amburgy<br>118 E. Broadway Street<br>South Lebanon, Ohio 45065   | Mr. Amburgy has information relative to the facts and circumstances surrounding the ticket that was issued to him for driving a truck through the Village.                      |

**II Description of Documents in Plaintiffs' Possession, Custody, or Control Relevant to Disputed Facts.**

1. Ordinance No. 2001-12 which was attached to Plaintiffs' Complaint.

2. Ticket No. 03310 issued to Kevin Hill, a copy of which is attached hereto.
3. Ticket No. \_2854 issued to Jimmy Amburgy, a copy of which is attached hereto.

### **III     Computation of Damages**

1. Plaintiff Oeder alleges that it has suffered economic loss as a result of the ordinance, mostly in lost profits. Although it is uncertain as to the exact amount of damages it has sustained, Plaintiff Oeder estimates that it has suffered over \$150,000.00 in lost profits. Plaintiff Oeder also alleges that it has incurred extreme costs in added expenses as a result of the ordinance in an estimated amount exceeding \$100,000.00. Plaintiff Oeder intends to retain an expert to more definitively ascertain the full measure of the damages Plaintiff Oeder has suffered.
2. Plaintiff Browning's damages relate to the ordinance's interference with his ability to use his truck to haul material. Plaintiff Browning also intends to retain an expert to more definitively ascertain the full measure of the damages he has suffered.

### **IV     Insurance Agreements**

1. N/A.

Respectfully submitted,

#### **BRADY, COYLE & SCHMIDT, LLP**

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Attorneys for Plaintiffs Carl E. Oeder & Sons

Sand & Gravel Co., A Division of Oeder & Sons

Garage Incorporated, and Timothy Browning

**KEATING, MUETHING & KLEKAMP, PLL**

By /s/ Daniel J. Donnellon (per telephone consent)

Daniel J. Donnellon (0036726)

By /s/ Thomas M. Tepe, Jr. (per telephone consent)

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(513) 579-6400

(513) 579-6457 (Fax)

Local Counsel for Plaintiffs Carl E. Oeder &

Sons Sand & Gravel Co., a Division of Oeder &

Sons Garage Incorporated, and Timothy

Browning

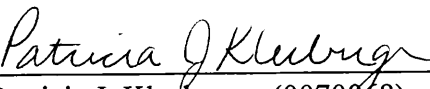
**CERTIFICATE OF SERVICE**

This is to certify that a copy of the foregoing Plaintiffs' Initial Disclosures Pursuant to Fed.R.Civ.

P. 26(a)(1) was sent this 22<sup>nd</sup> day of February, 2002, via ordinary U.S. Mail, to the following:

Shawn M. Blatt (0056051)  
**TRIAL ATTORNEY**  
Freund, Freeze & Arnold  
One Dayton Centre  
1 South Main Street, Suite 1800  
Dayton, Ohio 45402-2017  
*Attorney for Defendants*  
*Village of South Lebanon, James Smith, Mayor,*  
*and John Louallen, Administrator and Individually*

John C. Quinn (0023636)  
301 East Silver Street  
P.O. Box 5  
Lebanon, Ohio 45036  
*Attorney for Defendants*  
*Village of South Lebanon, James Smith, Mayor,*  
*and John Louallen, Administrator and Individually*

  
\_\_\_\_\_  
Patricia J. Kleeberger (0070068)  
Attorney for Plaintiffs

MAYOR'S COURT WARREN COUNTY, OHIO  
STATE OF OHIO SOUTH LEBANON  
DATE OF OHIO City Village Township  
CASE NO. 03310  
NAME KEVIN A. HILL  
STREET 424 MARLIN  
CITY, STATE SOUTH LEBANON OH ZIP 45065  
LICENSE ISSUED MO. 4 YR. 20 EXPIRES BIRTHDATE 2004 STATE OH  
IN 2 80 - 58 - 79 03 D.O.B. MO. 04 DAY 31 YR. 55  
RACE SEX HEIGHT WEIGHT HAIR EYES FINANCIAL RESPONSIBILITY  
W M 661 120 BRO BROWN PROOF SHOWN  
LICENSE NO. KN 103261 Yes No  
Lic. Class A DOT # Does Not Apply

TO DEFENDANT: COMPLAINT  
ON 09 11, 20 01 AT 3:32 P. M. YOU OPERATED/PARKED/WALKED/ A  
Pass Comm. Cycle Over 26001 Bus Haz. Mat.  
VEHICLE: YR. 98 MAKE TRUCK BODY TYPE TRUCK  
COLOR WHITE LIC. PAX 8061 STATE OH  
ON A PUBLIC HIGHWAY, NAMELY FOREST  
BETWEEN MARY ELLIN (M.P.)  
THE VILLAGE OF S. LEBANON IN WARREN  
COUNTY (NO. 83), STATE OF OHIO AND COMMITTED THE FOLLOWING OFFENSE(S).

SPEED: MPH in MPH zone ORC ORD T.P.  
Over limits Unsafe for cond. ACDA  
Radar Air VASCAR Pace Laser Stationary Moving  
OMVI: Under the influence of alcohol/drug of abuse ORC ORD T.P.  
Prohibited blood alcohol concentration BAC  
Blood Breath Urine Refused  
DRIVER LICENSE: None Revoked Suspended ORC ORD T.P.  
Not on person Expired: 6 mos. or less Over 6 mos.  
Suspension Type  
SAFETY BELT - Failure to wear ORC ORD T.P.  
Driver Passenger Child Restraint  
OTHER OFFENSE ORC ORD T.P.  
TRAFFIC CONTROL 70.20  
OTHER OFFENSE ORC ORD T.P.

DRIVER LICENSE HELD VEHICLE SEIZED ARREST CODE  
PAVEMENT: Dry Wet Snow Ice # of Lanes 2 Const. Zone  
VISIBILITY: Clear Cloudy Dusk Night  
WEATHER: Rain Snow Fog No Adverse  
TRAFFIC: Heavy Moderate Light None  
AREA: Business Rural Residential Industry School  
CRASH: Yes No Almost Caused Injury Non-Injury Fatal  
Crash Report Number:  
REMARKS  
ACCOMPANYING CRIMINAL CHARGE Yes No TOTAL # OFFENSES 1

TO DEFENDANT: SUMMONS PERSONAL APPEARANCE REQUIRED  
You are summoned and ordered to appear at MAYOR'S Court  
103 W. FOREST AVE. P.O. BOX 24 2296  
S. LEBANON, OH 45065 PH. 494-1062 at 9A M.  
09 11, 20 01 If you fail to appear at this time and place you may be arrested  
or license may be cancelled.  
summons served personally on the defendant on 09 11, 20 01  
issuing-charging law enforcement officer states under the penalties of perjury and falsification  
e/she has read the above complaint and that it is true.  
Issuing-Charging Law Enforcement Officer  
ISSUING OFFICER BE SURE TO VERIFY ADDRESS, IF DIFFERENT FROM LICENSE  
ADDRESS WRITE PRESENT ADDRESS IN SPACE PROVIDED OSHHP HP7  
DEFENDANT'S COPY

8351	544	50	9
Court Code	Unit	Post	Dist.

MAYOR'S COURT WARREN COUNTY, OHIO  
STATE OF OHIO SOUTH LEBANON  
DATE OF OHIO City Village Township  
CASE NO. 2854  
NAME Jimmy R. Amburgey  
STREET 118 F. BROADWAY ST.  
CITY, STATE S. LEBANON OH ZIP 45065  
LICENSE ISSUED MO. 1 YR. 01 EXPIRES BIRTHDATE 2005 STATE OH  
SSN 2 77 - 48 - 349 3 D.O.B. MO. 1 DAY 4 YR. 48  
RACE SEX HEIGHT WEIGHT HAIR EYES FINANCIAL RESPONSIBILITY  
W M 510 185 BRO BROWN PROOF SHOWN  
LICENSE NO. AQ550832 Yes No  
Lic. Class A DOT # Does Not Apply

TO DEFENDANT: COMPLAINT  
ON 09 11, 2001 AT 3:15 P. M. YOU OPERATED/PARKED/WALKED/ A  
Pass Comm. Cycle Over 26001 Bus Haz. Mat.  
VEHICLE: YR. 2001 MAKE MAC BODY TYPE TRUCK  
COLOR WHITE LIC. DCP 4342 STATE OH  
ON A PUBLIC HIGHWAY, NAMELY TMD 594 TR. Pike ST  
AT/BETWEEN MAIN ST. (M.P.)  
IN THE VILLAGE OF S. LEBANON IN WARREN  
COUNTY (NO. 83), STATE OF OHIO AND COMMITTED THE FOLLOWING OFFENSE(S).

SPEED: MPH in MPH zone ORC ORD T.P.  
Over limits Unsafe for cond. ACDA  
Radar Air VASCAR Pace Laser Stationary Moving  
OMVI: Under the influence of alcohol/drug of abuse ORC ORD T.P.  
Prohibited blood alcohol concentration BAC  
Blood Breath Urine Refused  
DRIVER LICENSE: None Revoked Suspended ORC ORD T.P.  
Not on person Expired: 6 mos. or less Over 6 mos.  
Suspension Type  
SAFETY BELT - Failure to wear ORC ORD T.P.  
Driver Passenger Child Restraint  
OTHER OFFENSE ORC ORD T.P.  
TRAFFIC Control Device 70.30  
OTHER OFFENSE ORC ORD T.P.

DRIVER LICENSE HELD VEHICLE SEIZED ARREST CODE  
PAVEMENT: Dry Wet Snow Ice # of Lanes Const. Zone  
VISIBILITY: Clear Cloudy Dusk Night  
WEATHER: Rain Snow Fog No Adverse  
TRAFFIC: Heavy Moderate Light None  
AREA: Business Rural Residential Industry School  
CRASH: Yes No Almost Caused Injury Non-Injury Fatal  
Crash Report Number:  
REMARKS  
ACCOMPANYING CRIMINAL CHARGE Yes No TOTAL # OFFENSES 1

TO DEFENDANT: SUMMONS PERSONAL APPEARANCE REQUIRED  
You are summoned and ordered to appear at MAYOR'S Court  
103 W. FOREST AVE. P.O. BOX 24  
S. LEBANON, OH 45065 PH. 494-1062 at 9:00 AM  
9-10, 2001 If you fail to appear at this time and place you may be arrested  
or your license may be cancelled.  
This summons served personally on the defendant on 09 11, 2001  
The issuing-charging law enforcement officer states under the penalties of perjury and falsification  
that he/she has read the above complaint and that it is true.  
Issuing-Charging Law Enforcement Officer  
NOTE: ISSUING OFFICER BE SURE TO VERIFY ADDRESS, IF DIFFERENT FROM LICENSE  
ADDRESS WRITE PRESENT ADDRESS IN SPACE PROVIDED OSHHP HP7  
DEFENDANT'S COPY

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Court Code	Unit	Post	Dist.